

2010R00777  
LSH/dc

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

UNITED STATES OF AMERICA

v.

GARRETT BAUER

Hon. Katharine S. Hayden

Criminal No. 11-842 (KSH)

FIRST AMENDED CONSENT  
JUDGMENT AND PRELIMINARY  
ORDER OF FORFEITURE

**WHEREAS** on December 8, 2011, the United States filed a four-count Information against Garrett Bauer, a/k/a "Mr. G." (the "Defendant"), charging him with conspiracy to commit securities fraud - insider trading, in violation of 18 U.S.C. § 371; securities fraud - insider trading, in violation of 15 U.S.C. § 78j and 78ff(a), and 17 C.F.R. Section 240.10b-5; conspiracy to commit money laundering, in violation of 18 U.S.C. § 1956(h); and obstruction of justice, in violation of 18 U.S.C. §§ 1512(c)(2) and 2; and

**WHEREAS** on December 8, 2011, the Defendant plead guilty to the four-count Information and entered into a Plea Agreement with the United States whereby the Defendant agreed, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), and 18 U.S.C. § 982(a)(1), to the forfeiture of any property, real and personal, that constitutes or is derived from proceeds traceable to the commission of the offenses, and any property, real and personal, that was involved in the offenses or is traceable to such property, including the following:

a. the contents and interest of Citibank, N.A., Money Market Plus account # 27343951;

b. the contents and interest of Citibank, N.A., High Interest Checking account # 34968167;

c. the contents and interest of Citibank, N.A., Ultimate Money account # 9935713410;

d. the contents and interest of Citibank, N.A., Ultimate Savings account # 9945636295;

e. the contents and interest of Citibank, N.A., Saving Plus account # 9958701682;

f. the contents and interest of Citibank, N.A., e-Saving account # 9961779472;

g. the contents and interest of Citibank, N.A., Savings Plus account # 9952358350;

h. the contents and interest of TD Ameritrade account # 784-991986;

i. the contents and interest of Goldman Sachs Execution and Clearing, L.P. account # 4ZG01209;

j. the real property known as 7137 Via Firenze, Boca Raton, Florida; and

k. the real property known as 157 E. 84<sup>th</sup> Street, Apt. #4-E, New York, New York; and

l. a sum of money equal to approximately \$23,200 in United States currency that was seized from 157 E. 84<sup>th</sup> Street, Apt. #4-E, New York, New York, representing the amounts of proceeds obtained as a result of the offenses (paragraphs (a)-(l) collectively describing the "Property"); and

**WHEREAS** on December 14, 2011, a Consent Judgment and Preliminary Order of Forfeiture was entered between the United States and the Defendant pursuant to the terms of the Plea Agreement, under which the Defendant agreed, pursuant to 18 U.S.C. § 981(a)(1)(C) and 28 U.S.C. § 2461(c), and 18 U.S.C. § 982(a)(1), to the forfeiture of the Property; and

**WHEREAS** pursuant to 21 U.S.C. § 853(n)(1), a Notice of Forfeiture with respect to the Property was posted on an official Government Internet site, namely [www.forfeiture.gov](http://www.forfeiture.gov), beginning on December 17, 2011, and running for thirty consecutive days through January 15, 2012; and

**WHEREAS** on or about December 19, 2011, the United States sent a copy of the Notice of Forfeiture by certified mail, return receipt requested to Bank of America N.A., 20th floor, AZ1-200-20-35, 201 East Washington Street Phoenix, Az. 85004-2428, Attn: Ryan Beardmore; and

**WHEREAS** on or about December 21, 2011, the United States sent a copy of the Notice of Forfeiture by certified mail, return receipt requested to Bank of America N.A., 101 S. Tryon Street, Charlotte, NC 28202; and

**WHEREAS** based on an appraisal and lien search conducted for 7137 Via Firenze, Boca Raton, Florida, it was determined that the property does not meet the minimum threshold for seizure and forfeiture based on its value; and

**WHEREAS** by virtue of the above, the United States requests to amend the Consent Judgment and Preliminary Order of Forfeiture previously entered in this action (See ECF Doc. # 48) for purposes of removing the real property known as 7137 Via Firenze, Boca Raton, Florida; and

**WHEREAS** good and sufficient cause has been shown,

**IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:**

**THAT** this Court's previously entered Consent Judgment and Preliminary Order of Forfeiture is vacated as to the property located at 7137 Via Firenze, Boca Raton, Florida; and

**IT IS FURTHER ORDERED** that upon entry of this Order, a Release of Lis Pendens for the real property known as 7137 Via Firenze, Boca Raton, Florida will be filed with the Office of the Clerk and Controller, Palm Beach County, West Palm Beach, Florida; and

**THAT** the herein described assets, namely:

a. the contents and interest of Citibank, N.A., Money Market Plus account # 27343951;

b. the contents and interest of Citibank, N.A., High Interest Checking account # 34968167;

c. the contents and interest of Citibank, N.A., Ultimate Money account # 9935713410;

d. the contents and interest of Citibank, N.A., Ultimate Savings account # 9945636295;

e. the contents and interest of Citibank, N.A., Saving Plus account # 9958701682;

f. the contents and interest of Citibank, N.A., e-Saving account # 9961779472;

g. the contents and interest of Citibank, N.A., Savings Plus account # 9952358350;

h. the contents and interest of TD Ameritrade account # 784-991986;

i. the contents and interest of Goldman Sachs Execution and Clearing, L.P. account # 4ZG01209;

j. the real property known as 157 E. 84<sup>th</sup> Street, Apt. #4-E, New York, New York; and

k. a sum of money equal to approximately \$23,200 in United States currency that was seized from 157 E. 84<sup>th</sup> Street, Apt. #4-E, New York, New York, representing the amounts of proceeds obtained as a result of the offenses,

are hereby forfeited to the United States of America pursuant to the provisions 18 U.S.C. §§ 981(a)(1)(C) and 982(a)(1), and 28 U.S.C. § 2461(c) for disposition in accordance with the provisions of 21 U.S.C. § 853; and

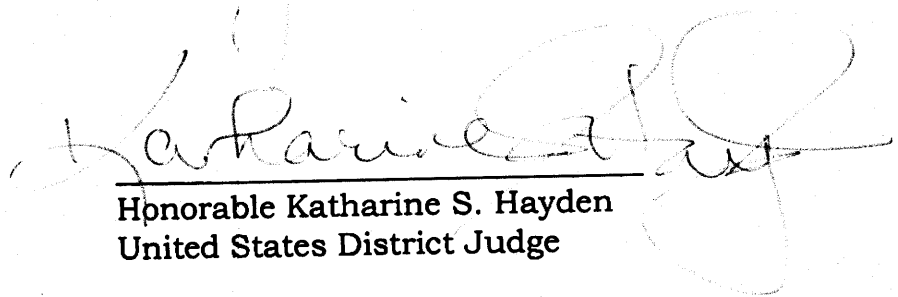
**THAT**, the aforementioned forfeited Property is to be held by the appropriate United States agency in its secure custody and control until the appropriate disposition of said Property by the United States; and

**THAT**, it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), as incorporated by 18 U.S.C. § 982(b) and 28 U.S.C. § 2461(c), to seek forfeiture of any other property of the Defendant up to the value of the property described above, if the Property or any portion thereof, as a result of any act or omission of the Defendant:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty; and

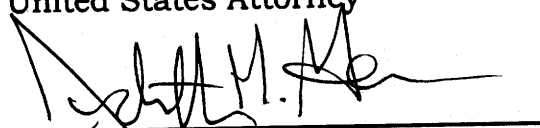
**THAT**, upon adjudication of all third-party interests, this Court will enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n), in which all interests will be addressed.

**ORDERED** this 4<sup>th</sup> day of June, 2012.


  
Honorable Katharine S. Hayden  
United States District Judge

The Undersigned hereby consent to the entry and form of this order:

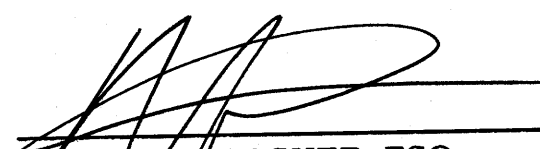
PAUL J. FISHMAN  
United States Attorney

  
By: JUDITH H. GERMANO  
Assistant United States Attorney

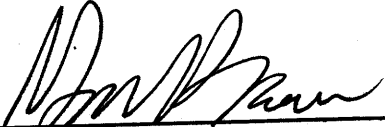
Dated: 6/4/12

  
By: MATTHEW E. BECK  
Assistant United States Attorney

Dated: 6/4/12

  
MICHAEL F. BACHER, ESQ.  
Attorney for Defendant Garrett  
Bauer, a/k/a "Mr. G"

Dated: 6/4/12

  
\_\_\_\_\_  
GARRETT BAUER  
Defendant

Dated:

6/4/12